

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 12

DATE: June 26, 2017

RECOMMENDATION: Conduct a public hearing to consider the amendment of Rule 1158 – *Electric Generating Facilities* and approval of California Environmental Quality Act (CEQA) documentation. : a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Direct staff actions.

SUMMARY: Rule 1158 is proposed for amendment to satisfy 42 U.S.C. §§7511a (Federal Clean Air Act (FCAA) §182) which requires that ozone non-attainment areas implement Reasonably Available Control Technology (RACT) for sources that are subject to Control Technique Guidelines (CTGs) and for major sources of ozone precursors.

CONFLICT OF INTEREST: None

BACKGROUND: The Mojave Desert Air Quality Management District (MDAQMD) has the authority pursuant to California Health and Safety Code (H&S Code) §40702 to adopt, amend or repeal rules and regulations. The MDAQMD is proposing to amend Rule 1158 – *Electric Generating Facilities* for inclusion in the current rulebook.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. The District adopted the *8-Hour Reasonably Available Control Technology – State Implementation Analysis (RACT SIP Analysis)* in February, 2015 for the 2008 75 ppb ozone National Ambient Air Quality Standards (NAAQS). This document committed to amending current RACT for electric power generating facilities. The Mojave Desert Air Quality Management District (MDAQMD) has an electric power generating facilities rule which was approved as RACT into the State Implementation Plan (SIP) in 1999 (64 FR 38832, 07/20/1999). While there is no CTG for this source category, EPA has published an Alternative Control Techniques (ACT) document titled, “NO_x Emissions from Stationary Gas Turbines” (EPA 453/R-93-007, January 1993) which describes available control techniques and their estimated costs. This ACT and other state and local rules for this category were used to help evaluate the RACT requirements of CAA §182(b)(2) and §182(f).

I, Deanne Hernandez
CUSTODIAN OF RECORDS OF MOJAVE DESERT AIR
QUALITY MANAGEMENT DISTRICT, HEREBY CERTIFY
THE FOREGOING TO BE A FULL, TRUE AND CORRECT
COPY OF THE RECORD OF THE ACTION AS THE SAME
APPEARS IN THE OFFICIAL MINUTES OF SAID
GOVERNING BOARD MEETING

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT.

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The proposed amendments to Rule 1158 address the 2015 *RACT SIP Analysis* commitment. The proposed amendments update definitions, NOx emission limits, exemptions, monitoring and records, and compliance schedule. The amendments are based on Imperial County Air Pollution Control District (ICAPCD) Rule 400.2 – Boilers, Process Heaters and Steam Generators, as adopted February 23, 2010 and Ventura County Air Pollution Control District (VCAPCD) Rule 74.23 – Stationary Gas Turbines, as adopted January 8, 2002. ICAPCD Rule 400.2 was approved into the SIP as RACT at 78 FR 896, January 7, 2013 and VCAPCD Rule 74.23 was approved into the SIP as RACT at 68 FR 33018, June 3, 2003. Therefore, MDAQMD staff recommends amending Rule 1158 – *Electric Power Generating Facilities*.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the amendment of Rule 1104 pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or before June 12, 2017.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan De Salvio, Deputy Director – Mojave Desert Operations

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ACTION OF THE GOVERNING BOARD

ADOPTED

Upon Motion by **PAUL RUSS**, Seconded by **JEFF WILLIAMS**, as approved by the following roll call vote:

**Ayes: 11 DECONINCK, HERNANDEZ, LOVINGOOD, RUSS, CAMARGO,
RIORDAN, COX, COLE, LEONE, WILLIAMS, STANTON**

Noes:

Absent: 2 RAMOS, PEREZ

Abstain:

Vacant:

DEANNA HERNANDEZ, EXECUTIVE OFFICE MANAGER

BY 

Dated: JUNE 26, 2017

Ref. RESOLUTION 17-13, titled, "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1158 – *ELECTRIC POWER GENERATING FACILITIES* AND DIRECTING STAFF ACTIONS."

RESOLUTION NO. 17-13

**A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE
DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS,
CERTIFYING THE NOTICE OF EXEMPTION, AMENDING RULE 1158 –
ELECTRIC POWER GENERATING FACILITIES AND DIRECTING STAFF
ACTIONS.**

On June 26, 2017, on motion by Board Member **PAUL RUSS**, seconded by Board Member **JEFF WILLIAMS**, and carried, the following resolution is adopted:

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has authority pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

WHEREAS, the proposed amendments to Rule 1158 are necessary to satisfy 42 U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors; and

WHEREAS, the proposed amendments to the Rule are necessary as indicated herein and in the supporting documentation; and

WHEREAS, the MDAQMD has the authority pursuant to H & S Code §40702 to amend rules and regulations; and

WHEREAS, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Techniques Guidelines (CTG) documents issued by United States Environmental Protection Agency (USEPA) and for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors; and

WHEREAS, the District adopted the *8-Hour Reasonably Available Control Technology – State Implementation Analysis (RACT SIP Analysis)* in February, 2015 for the 2008 75 ppb ozone National Ambient Air Quality Standards (NAAQS); and,

WHEREAS, this document committed to amending current RACT for electric power generating facilities; and

WHEREAS, the Mojave Desert Air Quality Management District (MDAQMD) has

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an electric power generating facilities rule which was approved as RACT into the State Implementation Plan (SIP) in 1999 (64 FR 38832, 07/20/1999); and

WHEREAS, while there is no CTG for this source category, EPA has published an Alternative Control Techniques (ACT) document titled, "NOx Emissions from Stationary Gas Turbines" (EPA 453/R-93-007, January 1993) which describes available control techniques and their estimated costs; and

WHEREAS, this ACT and other state and local rules for this category were used to help evaluate the RACT requirements of CAA §182(b)(2) and §182(f); and,

WHEREAS, the proposed amendments to Rule 1158 address the 2015 *RACT SIP Analysis* commitment; and

WHEREAS, the proposed amendments update definitions, impose more restrictive NOx emission limits, exemptions, monitoring and records, and compliance schedule; and

WHEREAS, the amendments are based on Imperial County Air Pollution Control District (ICAPCD) Rule 400.2 – Boilers, Process Heaters and Steam Generators, as adopted February 23, 2010 and Ventura County Air Pollution Control District (VCAPCD) Rule 74.23 – Stationary Gas Turbines, as adopted January 8, 2002; and

WHEREAS, ICAPCD Rule 400.2 was approved into the SIP as RACT at 78 FR 896, January 7, 2013 and VCAPCD Rule 74.23 was approved into the SIP as RACT at 68 FR 33018, June 3, 2003; and

WHEREAS, the proposed amendments to Rule 1158 are clear in that the meaning can be easily understood by the persons impacted by the Rule; and

WHEREAS, the amendments to Rule 1158 are in harmony with, and not in conflict with, or contradictory to existing statutes, court decisions, or State or federal regulations; and

WHEREAS, the proposed amendments to Rule 1158 do not impose the same requirements as any existing State or Federal law or regulation because the District is amending this rule in response to federal NOx RACT requirements; and

WHEREAS, the proposed amendments to Rule 1158 are necessary to satisfy 42

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U.S.C. §§7511a (FCAA §182) which requires that ozone non-attainment areas implement RACT for sources that are subject to CTGs and for major sources of ozone precursors; and

WHEREAS, a public hearing has been properly noticed and conducted, pursuant to H & S Code §40725, concerning the amendments to Rule 1158; and

WHEREAS, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the proposed amendments to Rule 1158, completed in compliance with the California Environmental Quality Act (CEQA), has been presented to the MDAQMD Board; each member having reviewed, considered and approved the information contained therein prior to acting on the proposed amendments to Rule 1158, and the MDAQMD Board having determined that the proposed amendments will not have any potential for resulting in any adverse impact upon the environment; and

WHEREAS, the Board has considered the evidence presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board of the MDAQMD finds that the amendments to Rule 1158 – *Electric Power Generating Facilities* are necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

BE IT FURTHER RESOLVED, that the Governing Board of the MDAQMD hereby makes a finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of Exemption for the proposed amendments to Rule 1158; and

BE IT FURTHER RESOLVED, that the Board of the MDAQMD does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Rule 1158, as set forth in the attachments to this resolution and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon adoption, and that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of CEQA.

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5 **PASSED, APPROVED and ADOPTED** by the Governing Board of the Mojave Desert Air
6 Quality Management District by the following vote:

7 **AYES: 11 MEMBER: DECONINCK, LOVINGOOD, RUSS, CAMARGO,**
8 **HERNANDEZ, STANTON, RIORDAN, COX, COLE,**
9 **WILLIAMS, LEONE**

9 **NOES: MEMBER:**

10 **ABSENT: 2 MEMBER: PEREZ, RAMOS**

11 **ABSTAIN: MEMBER:**

12)

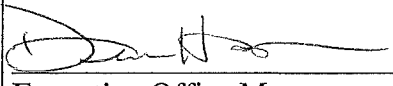
13 STATE OF CALIFORNIA)

14) SS:

15 COUNTY OF SAN BERNARDINO)

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17 I, Deanna Hernandez, Executive Office Manager of the Mojave Desert Air Quality
18 Management District, hereby certify the foregoing to be a full, true and correct copy of the
19 record of the action as the same appears in the Official Minutes of said Governing Board at
its meeting of June 26, 2017.

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21 Executive Office Manager
22 Mojave Desert Air Quality Management District
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